

NOV 16 2006

Atty. Dkt. No. 00CR156/KE

REMARKS

Applicants thank the Examiner for the detailed Office Action dated September 19, 2006. Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 3-12, 14, and 16-21 were pending in the application. Claims 1, 3-12, 14, and 16-21 are now pending in this application.

For simplicity and clarity purposes in responding to the Office Action, Applicants' remarks are primarily focused on the rejections of the independent claims (i.e., claims 1, 10 and 14) outlined in the Office Action with the understanding that the dependent claims that depend from the independent claims are patentable for at least the same reasons (and in most cases other reasons) that the independent claims are patentable. Applicants expressly reserve the right to argue the patentability of the dependent claims separately in any future proceedings.

Independent Claims 1, 10 and 14

The Examiner rejected claims 1, 10, and 14 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application No. 2003/0081592 to Krishnarajah et al. (Krishnarajah).

In response, Applicants have attached hereto a declaration of prior invention under 37 C.F.R. § 1.131 that establishes invention of the subject matter of the rejected claims prior to the effective date of the Krishnarajah reference. The 37 C.F.R. § 1.131 declaration establishes an actual reduction to practice of the invention of claims 1, 10 and 14 prior to June 1, 2001.

Applicants respectfully submit that the subject matter recited in independent claims 1, 10 and 14 and the claims which are dependent thereon, are not anticipated and would not have been obvious to a person of ordinary skill in the art and are patentable. Accordingly, Applicants request withdrawal of the rejection of the claims under 35 U.S.C. § 102(e).

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Applicants respectfully submit that the present Application is in condition for allowance. Applicants request reconsideration and allowance of the pending claims. The Examiner is invited to contact the undersigned by telephone if the Examiner needs anything or if a telephone interview would advance the prosecution of the present application.

Applicants respectfully put the Patent Office and all others on notice that all arguments, representations, and/or amendments contained herein are only applicable to the present patent application and should not be considered when evaluating any other patent or patent application including any patents or patent applications which claim priority to this patent application and/or any patents or patent applications to which priority is claimed by this patent application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 18-1722. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 18-1722.

Respectfully submitted,

Date November 16, 2006By Kyle Eppele

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